

REMARKS

The Office Action dated January 27, 2006 has been read and carefully considered and the present amendment submitted in order to more clearly define the claims describing the invention.

In that Office Action, claims 1, 2, 4-6, 8, 14, 20-24, 26, 27, 29, 30, and 33 were rejected under 35 U.S.C. 102(b) as being anticipated by Wain *et al*, U.S Patent 6,768,321. Claims 9-11 and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wain *et al* as applied to claims 1 and 29 in view of Glasson, U.S. Patent 6,234,061. Claims 31 and 35-37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wain *et al* as applied to claims 1 and 29 in view of Motz U.S. Patent 6,825,709. Finally claims 32 and 34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wain *et al* as applied to claims 1 and 29 in view of Hager *et al*, U.S. Patent 3,834,345.

Claims 3, 7, 12, 13, 15-19, 28 and 38 were indicated as being allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims. Applicant appreciates the indication of the allowable claims and has rewritten allowed claim 3 in independent form as new claim 39. Claim 7 has been rewritten in independent form as new claim 40. Claim 12 has been rewritten in independent form as new claim 41 with claim 13 as dependent claim 42. Claims 15-19 have been rewritten as new claims 43-47. Claim 28 has been rewritten in independent form as new claim 48 and claim 38 has been rewritten as claim 49.

Claims 1-10 and 12-38 have also been amended to recite that the sensor is used in a specific application *i.e.* to sense the position of a piston within a cylinder. The basis for such amendments rests in the statement in the specification, page 2 where an embodiment of the present invention is stated as: "A sensor according to the present invention provides a spool position sensor having an extended range of detection of an object, such as a piston within a cylinder". A further foundation is found in the

references cited on the first page of this application and which have been incorporated herein by reference.

For all of the foregoing reasons, applicant requests withdrawal of the rejection in all respects and requests allowance of the claims.

Correspondence and Fees

Please charge the Petition for One Month Extension of Time fee of Sixty Dollars (\$60.00); the fee for Independent Claims 39-41, 43 and 48-49 of Six Hundred Dollars (\$600.00) and the fee for Dependent Claims 42 and 44-47 of One Hundred Twenty Five Dollars (\$125.00) totaling Seven Hundred Eighty Five Dollars to Deposit Account No. 03-3839. No additional fees are believed to be necessitated by the instant response. However, should this be in error, authorization is hereby given to charge Deposit Account no. 03-3839 for any underpayment, or to credit any overpayments.

Please address all correspondence to the correspondent address for **Customer No. 26345 of Intellectual Docket Administrator, Gibbons, Del Deo, Dolan, Griffinger & Vecchione**, One Riverfront Plaza, Newark, NJ 07102-5497. Telephone calls should be made to Vincent E. McGeary at (973) 596-4837 or (973) 596-4500 and fax communications should be sent directly to him at 973-639-6477.

Respectfully submitted,

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